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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,251	07/08/2003	Yi-Chung Tsai	P-1353	6028

35741 7590 10/05/2004

KUO-HSIUNG CHIU
13F., NO.23, JIUN-HO STREET, PEITUN DISTRICT
TAICHUNG, 406
TAIWAN

EXAMINER

SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,251

Applicant(s)

TSAI, YI-CHUNG

Examiner

J. Allen Shriver

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (US Patent 5,381,870) in view of Finkle (US Patent 5,893,425).** Kaufman discloses an exercise device comprising a motorized skateboard (10) having a signal-receiving unit, a motor (18) in connection with the signal-receiving unit being mounted on the skateboard for driving wheels (33) to provide forward movement for the skateboard; and a control glove (65) having a signal-sending unit; whereby when the signal-sending unit on the control glove continuously sends signals for actuating the motor, the signal-receiving unit on the skateboard will receive the signals which are then used to control the rotation of the motor at a preset speed.

Kaufman does not disclose wherein the motor and signal-receiving unit are mounted to the bottom of the skateboard and wherein the signal-receiving unit forwards signals to microprocessors to control the motor. Finkle discloses wherein the motor (22) and signal-receiving unit (45) are mounted to the bottom of the skateboard (See Fig. 2), and wherein the signal-receiving unit forwards signals to microprocessors (48) to control the motor (See Fig. 10). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to arrange the motor and signal-receiving unit on the bottom of the skate in Kaufman in view of the

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teaching of Finkle. The motivation for doing so would have been to provide a clear upper platform for the user to stand upon. Additionally, it would have been obvious to a person of ordinary skill in this art to use microprocessors to control the operation of the motor disclosed in Kaufman in view of the teaching of Finkle. The motivation for using a microprocessor would be to precisely control the voltage sent to the motor, which would control the speed.

Allowable Subject Matter

3. Claim 2 is allowed over the prior art.
4. The following is a statement of reasons for the indication of allowable subject matter: the prior art did not disclose wherein the power switches of the electric skateboard and the control glove are turned on, the signal-receiving unit is in stand-by mode, and when the operator bends his middle finger to bring the upper piece in touch with the central piece for producing an electromagnetic induction effect, the signal-sending unit within the control center continuously sends specific signals received by the signal-receiving unit on the skateboard.

Conclusion

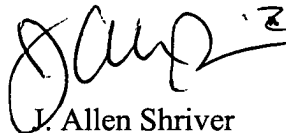
5. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/29/04
J. Allen Shriver
Examiner
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JAS